



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Hideo ANDO, et al.

SERIAL NO: 10/801,865

FILED: March 17, 2004

FOR: INFORMATION STORAGE MEDIUM AND INFORMATION RECORDING/PLAYBACK SYSTEM

GAU: 2616

EXAMINER: NGUYEN, HUY TRANH

TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

KABUSHIKI KAISHA TOSHIBA is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment, said Assignment having been recorded in the U.S. Patent and Trademark Office at reel no. 011032, frame(s) 0221.

KABUSHIKI KAISHA TOSHIBA hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/669,525, 10/801,699, 10/801,678, 10/801,700, 10/801,701, 10/801,862, 10/801,863, 10/801,835, 10/801,866, and 10/802,004, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from application Serial Nos. 10/669,525, 10/801,699, 10/801,678, 10/801,700, 10/801,701, 10/801,862, 10/801,863, 10/801,835, 10/801,866, and 10/802,004, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

KABUSHIKI KAISHA TOSHIBA does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer of any patent issuing from application Serial Nos. 10/669,525, 10/801,699, 10/801,678, 10/801,700, 10/801,701, 10/801,862, 10/801,863, 10/801,835, 10/801,866, and 10/802,004 in the event that any said issued patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

12/22/2005 HRL111 00000108 10801865

02 FC:1814

130.00 DP

12/21/05

Date Signed

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

James J. Kalbaski  
Attorney of Record  
Registration No. 34,648

Scott A. McKeown  
Registration No. 42,866

Customer Number

22850

Tel. (703) 413-3000  
Fax. (703) 413-2220  
(OSMMN 05/03)  
I:\ATTY\JW249756US249756US\_TD.DOC

Gregory J. Maier  
Registration Number 25,599